APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/945,135	08/31/2001	Jay Rossiter	50277-1786	4251

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EXAMINER
ALAM, HOSAIN T

ART UNIT	PAPER NUMBER
2172	

DATE MAILED: 11/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
> THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
>   after SIX (6) MONTHS from the mailing date of this communication.
> - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
> - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
>   earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____ .

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-6* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-6* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *2,6,8* .

4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claims 1-6 are pending in this Office Action

Information Disclosure Statement

The information disclosure statement filed in Paper No. 2, 6, and 8 have been

considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-
(1) an application for patent, published under section 122(b), by another filed in the United States
before the invention by the applicant for patent, except that an international application filed under the
treaty defined in section 351(a) shall have the effect under this subsection of a national application
published under section 122(b) only if the international application designating the United States was
published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the
invention by the applicant for patent, except that a patent shall not be deemed filed in the United
States for the purposes of this subsection based on the filing of an international application filed under
the treaty defined in section 351(a).

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by U. S.

Patent No. 6,240,416 issued to Immon et al. ('Immon")

With respect to claim 1, Immon teaches , a method for managing a system that

includes a plurality of devices arranged ion a network as claimed comprising the steps

of gathering and storing in a centralized repository metadata (col. 3, lines 23-32) that

reflects configuration information about the system and each of the devices;

modifying metadata within the centralized repository to initiate configuration changes in

the network (col. 12, lines 13-17); and propagating said changes from the repository to

the devices in the network to cause said configuration changes (col. 12, lines 30-32).

With respect to claim 3, which is dependent on claim 1, Immon teaches a

centralized metadata repository resides outside the system (col. 7, line 59).

With respect to claim 2, Immon teaches a method for managing a system that

includes a plurality of devices arranged ion a network as claimed comprising the steps

of gathering and storing in a centralized repository metadata that reflects configuration

information about the system and each of the devices (see the rejection of claim 1

above);

in *response to a failure of the system ,r*ecovering the central repository from a

backup, us*ing metadata within the centralized repository to configure the system, and*

recovering the system after the system is configured (col. , line 57-61).

With respect to claim 4, Immon teaches a method for managing a system that

includes a plurality of devices arranged ion a network as claimed comprising

gathering and storing in a centralized repository metadata that reflects configuration

information about the system and each of the devices; and

managing configuration of said system based upon the metadata within said centralized

repository, and in response to a failure of the system, configuring the system based on

the metadata of the repository (col. , line 57-61).

With respect to claims 3 and 4, Immon does not explicitly indicate a failure as

recited in the claims. Immon however teaches the "difference between the metadata in

the system record and that of a source"(col. 8, lines 20-22) and in addition, Immon

teaches refreshing the metadata (col. 12, lines 13-14). Immon therefore implicitly

teaches a source of consistent metadata data which can be used as a backup. Immon

does not recite "backup" but discloses the functionalities to realize a backup process

(i.e., synchronization, col. 11-12), and therefore implicitly discloses a backup process.

See MPEP 2144.01 for Implicit Disclosure:

"[I]n considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom." In re Preda, 401 F.2d 825, 826, 159 USPQ 342, 344 (CCPA 1968) (A process for catalytically producing carbon disulfide by reacting sulfur vapor and methane in the presence of charcoal at a temperature of "about 750-830C" was found to be met by a reference which expressly taught the same process at 700C because the reference recognized the possibility of using temperatures greater than 750C. The reference disclosed that catalytic processes for converting methane with sulfur vapors into carbon disulfide at temperatures greater than 750C (albeit without charcoal) was known, and that 700C was "much lower than had previously proved feasible."); In re Lamberti, 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976) (Reference disclosure of a compound where the R-S-R¢ portion has "at least one methylene group attached to the sulfur atom" implies that the other R group attached to the sulfur atom can be other than methylene and therefore suggests asymmetric dialkyl moieties.).

With respect to claim 5, Immon teaches a method for managing a system that includes a plurality of devices arranged ion a network as claimed comprising gathering and storing in a centralized repository metadata that reflects configuration information about the system and each of the devices; *replicating said system(col. 11-12, "AUTOMATIC SYSNCHRONIZATION) by performing the steps of copying said metadata (col. 12, line 13-16) to a second centralized metadata repository associated with a second system , and configuring the second system based on the metadata contained in said second metadata repository (Immon implicitly discloses a plurality of metadata repositories wherein any one of the repositories can be used as a second or backup repository; see col. 8, lines 1-25, and col. 12, lines 1-32; **col. 6, lines 32-35 ..."any participating site")***

With respect to claim 6, Immon teaches a method for managing a system that includes a plurality of devices arranged ion a network as claimed comprising gathering and storing in a centralized repository metadata that reflects configuration information about the system and each of the devices; and managing configuration of at least two of an application layer (col. 7, lines 9-11), an operating system layer (col. 7, lines 16-18), and a hardware layer of said system based upon the metadata within said centralized repository. The examiner notes that the "deadlock metadata" as taught by Immon deals with "transaction processing" while the "system of record metadata" deals with analytical processing. In col. 7, Immon addressee the system performance issues as well as the issues of access and analysis of data. Transaction processing affects the system

performance in terms of I/O operations, involving the resources at the operating system level.

Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

"An Overview of Data Warehousing and OLAP Technology," Chaudhuri et al., ACM SIGMOD, Vol. 26, No. 1, pages 65-74, March, 1997.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hosain T Alam whose telephone number is (703) 308-6662. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (703) 305-4393. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6606 for regular communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305 3800.

The following contact numbers may also be used:

TC 2100 After Finals number is 703-746-7238

TC 2100 Official Fax number is 703-746-7239

TC 2100 Customer Service Center is 703-746-7240

Hosain T Alam
Primary Examiner
Art Unit 2172

November 8, 2002